REMARKS

Claims 1-8 are allowed. Claims 10-54 have been canceled. Claim 9 has been amended to recite the phrases: "caused by *Escherichia coli*", "...consisting of amoxicillin, tetracycline, and oxycycline hydrochloride, at a ratio of 0.01 parts by weight to 1 part by weight based on 1 part riboflavin and/or riboflavin derivative". Claim 9 was further amended by deleting the terms "antibiotics, water soluble polymers, lecithin, proline and glutamine". Claims 55-57 have been newly presented. Support for this amendment and additional claims can be found throughout the specification and specifically at col. 2, line 36, col. 2, line 46, col. 2, line 54, col. 2, lines 25-35, col. 3, lines 61-62, col. 4, lines 5-6, col. 4, lines 17-19, col. 4, lines 24-27, and col. 4, lines 37-39. No new matter is introduced with this amendment. After entry of these amendments claims 1-9 and 55-57 will be pending.

Rejection of Claims 9-54 under 35 U.S.C. § 112, First Paragraph

Claims 9-54 are rejected under 35 U.S.C. § 112, first paragraph. The Examiner states that the specification while being enabling for treating infections caused by *Escherichia coli* in a patient with a composition comprising riboflavin and/or riboflavin derivative and one or more composition formulation additives selected from amoxicillin, water soluble polymers of claim 16, soy bean lecithin or yolk lecithin, proline, and glutamine administered in a form of intramuscular injection at proportions 10, 30 and 100 mg/kg, does not reasonably provide enablement for treating all types of infections caused by Gram-negative or Gram positive bacteria, viruses, fungi, and parasites.

In an effort to move forward the prosecution of this application and in no way acquiescing in the propriety of the Examiner's rejection, Applicants have amended claim 9, canceled claims 10-54, and have added claims 55-57. Claims 9 and 55-57 now recite, in relevant part, "treating infections caused by *Escherichia coli*" and further recite those additives taught in the specification at the weight ratio disclosed by the specification of the additive to riboflavin and/or riboflavin derivative. Applicants aver that this amendment overcomes the Examiner's rejection that the claims as previously presented were overly broad.

Accordingly, Applicants respectfully request that the Examiner reconsider the rejection of claims 9-54 under 35 U.S.C. § 112, first paragraph, in view of these amendments and remarks, and withdraw it.

Furthermore, the Office Action states that Applicants' Amendment submitted December 28, 2005 proposes amendments to claims 9, 15, 18, 19, 25, 28, 29, 35, 38, 39, 44, 47, 48, and 52 that do not comply with 37 C.F.R. § 1.173(b) and that a supplemental paper correctly amending the reissue application is required.

Applicants submit that with respect to claims 15, 18, 19, 25, 28, 29, 35, 38, 39, 44, 47, 48, and 52, Applicants have now directed the Examiner to cancel those claims and are therefore in compliance with 37 C.F.R. § 1.173(b) (MPEP § 1453(II)(D)(requiring new claims previously added in the reissue be canceled by a direction to cancel the new claims)). Applicants submit that presently presented claim 9 and newly presented claims 55-57 comport with 37 C.F.R. § 1.173(b) (MPEP § 1453(II)(A)(requiring for each claim that is being amended by the amendment being submitted (the current amendment), the entire text of the claim must be presented with markings as defined above)(MPEP § 1453 (V)(D)(An amendment of a "new claim" (*i.e.* a claim not found in the patent that was previously presented in the reissue application) must be done by presenting the amended "new claim" containing the amendatory material, and completely underlining the claim)).

CONCLUSIONS

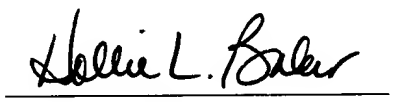
In view of the remarks set forth above, it is respectfully submitted that this application is in condition for allowance. Accordingly, Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

The Commissioner is hereby authorized to charge the Three Month Extension of Time fee ($1,020), as well as any additional fees that may be due in connection with this Reply to Deposit Account No. 08-0219.

If the Examiner has any questions in regard to this Reply, or any other issue in this case, please call the below signed representative at (617) 526-6110.

Respectfully submitted,

Dated: September 5, 2006



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